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Express Mail No. EL 752187251 US

9D-HR-19396
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Holmes et al.

Serial No.: 09/742,545

Filed: December 22, 2000

For: REFRIGERATOR –
ELECTRONICS ARCHITECTURE

Art Unit:

Examiner:

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE
ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED
PATENT APPLICATION**

Box DAC
Hon. Commissioner for Patents
Washington, D.C. 20231

RECEIVED

FEB 11 2002

OFFICE OF PETITIONS

Pursuant to 37 C.F.R. § 1.181 and MPEP 711.03(c) II, Applicants hereby petition to withdraw holding of abandonment based on failure to receive an office communication. Through a status check by telephone, Applicants have learned that the above-identified application has been held to be abandoned. Specifically in the telephone status check, Applicants have learned that a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the USPTO to Applicants on March 1, 2001. The undersigned has examined Applicants' file regarding the subject application and the file does not include a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION or a notice of abandonment. Additionally, attached is a copy of the file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

Applicants respectfully submit that Applicants' record is indicative of Applicants never receiving the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/08/2002 AWONDAF1 00000127 012384 09742545

01 FC:141 1280.00 CH
02 FC:122 130.00 CH

Adjustment date: 10/04/2002
02/08/2002 AWONDAF1 00000127 012384 09742545
02 FC:122 130.00 CH

Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn. Specifically, Applicants request that the signed declaration submitted herewith and the fee of \$130.00 under 37 C.F.R. § 1.16(e) submitted herewith be accepted and that the holding of abandonment be withdrawn.

Applicants believe that the fee due for this petition under 37 C.F.R. § 1.181 is \$130 (37 C.F.R. § 1.17(h)) and the Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$260.00 to deposit account 01-2384. If \$260.00 is not the correct fee, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicants hereby petition to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the late filing fee under 37 C.F.R. § 1.16(e) to a deposit account is set forth below in Paragraph (4).
- (2) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (4).
- (3) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.

(4) Fees:

a.	Payment of the late filing fee	\$ 130.00
b.	Petition fee (37 C.F.R. 1.17(m))	<u>\$ 1,280.00</u>
	TOTAL FEES DUE:	<u>\$ 1,410.00</u>

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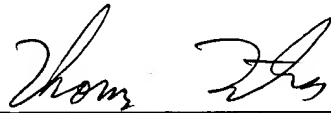
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The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,410.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

- (5) Enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.
- (6) Enclosed is a signed set of declarations.
- (7) Enclosed are sixty-one (61) sheets of formal drawings.

For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,



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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: <u>10/3/02</u>		2 Serial./Patent # <u>09/742,541</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
				\$
				\$
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				\$
		7 TOTAL AMOUNT OF REFUND	\$ <u>130</u>	
10 REASON:		8 TO BE REFUNDED BY:		
		Treasury Check		
		Credit Deposit A/C #:		
		<div style="border: 1px solid black; padding: 2px; display: inline-block;"> 9 0 1 - - 2 3 8 9 </div>		
<input checked="" type="checkbox"/> Overpayment <input type="checkbox"/> Duplicate Payment <input checked="" type="checkbox"/> <u>No Fee Due</u> (Explanation): <u>for 1.18/</u>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>PC TAW</u>		TITLE: <u>Petition</u>		
SIGNATURE: <u>[Signature]</u>		PHONE: <u>703 308-0708</u>		
OFFICE: <u>Petition</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>[Signature]</u>		DATE: <u>10/4/02</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**